

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 3:05-CV-30022-KPN

ALL STATES ASPHALT, INC. and
NEW ENGLAND EMULSIONS CORP.,

Plaintiffs

v.

FIREMAN'S FUND INSURANCE
COMPANY,

Defendant

**PARTIES' JOINT STATEMENT
PURSUANT TO LOCAL RULE
16.1(D)**

In accordance with the United States District Court for the District of Massachusetts Local Rule 16.1(D) and the Court's Notice of Scheduling Conference, the Plaintiffs and the Defendant met to prepare a Joint Statement setting forth a proposed pre-trial schedule. The parties were able to agree to all of the scheduled items contained herein.

I. Joint Discovery Plan – Scheduling the Time and Length of all Discovery Events:

A. Written Discovery: All Interrogatories and Requests for Production of Documents shall be served upon opposing counsel by September 30, 2005.

B. Joinder of Additional Party: All additional parties are to be joined by September 30, 2005.

C. Deposition of Fact Witnesses: The depositions of all fact witnesses to be completed by January 15, 2006.

D. Requests for Admissions: All requests for admissions shall be served upon opposing counsel by February 17, 2006.

E. Identification of Expert Witnesses: The Plaintiffs shall identify their expert witnesses pursuant to Fed. R. Civ. P. 26(b)(4)(a)(i) by January 31, 2006; the Defendant shall identify all expert witnesses pursuant to Fed. R. Civ. P. 26(b)(4)(a)(i) by February 28, 2006.

F. Depositions of Expert Witnesses: Depositions of all Plaintiffs' experts shall be completed by April 15, 2006; depositions of all Defendant's experts shall be completed by May 15, 2006.

G. The parties respectfully suggest that no need exists at the present time for phased discovery.

II. Proposed Schedule of filing Motions: All Fed. R. Civ. P. 56 Motions to be filed by June 30, 2006.

III. Final Pre-Trial Conference: A Final Pre-Trial Conference shall be held on September 15, 2006.

IV. Local Rule 16(D)(1) Certifications: Certifications signed by the parties, and their counsel, regarding a litigation budget and the feasibility of engaging in alternative dispute resolution are being filed with this proposed Pre-Trial Schedule.

Respectfully submitted,

The Plaintiffs, All States Asphalt, Inc. and
New England Emulsions Corp.,
By their attorneys,

/s/ Irving D. Labovitz

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The Defendant,
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By its attorney,

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